

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable Nickolas J. Dibiaso, Acting Presiding Justice; Honorable Rebecca A. Wiseman, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Eve Sproule, Court Administrator/Clerk, by Rosemary Heredia, Assistant Deputy Clerk.

F038354 Regal Medical Group, Central California Division v. Centennial Medical Group, Inc.

Cause called and argued by Robert M. Dato, Esq., counsel for appellant and by Ralph B. Kalfayan, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Monday, January 13, 2003 at 10:00 A.M.

F041969 Jacqueline L., v. Kings Co. Dept. of Human Services

Let a petition for extraordinary writ issue directing respondent court to vacate its order issued on November 22, 2002, setting the matter for permanency planning pursuant to section 366.26. Respondent court is further directed to conduct a new post-permanency plan review hearing and properly notice all parties of the date, time and location.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040633 In re D. N. et al., Minors.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

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F040633 In re D. N. et al., Minors.

The orders of the juvenile court are affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F033735 People v. Porter

The judgment is affirmed. Harris, J.

We concur: Dibiaso, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036403 Chiou et al. v. San Joaquin Bank

The judgment is reversed. San Joaquin Bank is awarded costs on appeal. Buckley, J.

We concur: Harris, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038056 People v. Presley

The sentence is vacated and the matter is remanded for resentencing. The true finding on the 1979 battery strike conviction is reversed. The district attorney shall have 30 days after the remittitur is filed in which to give notice of intent to seek retrial of the prior strike allegation. If the District attorney does not request a retrial, the court shall dismiss the prior strike allegation, resentence appellant, amend the abstract of judgment and forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment of conviction is affirmed. Levy, J.

We concur: Harris, Acting P.J.; Buckley, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F040092 Fresno Metropolitan Flood Control District v. Harlan Land Company et al.

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F038571 People v. Zanini

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F038571 People v. Zanini

The judgment of conviction is reversed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F041957 P. James Nugent, M.D. v. Saint Agnes Medical Center et al.

IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as untimely filed.

F038029 People v. Robinson

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F040526 Peopel v. Bakken

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed as to Kings Co. Superior Court Number 01CM7547 ONLY.

F038595 People v. Troup

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.